

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO.
v.	:	DATE FILED: February 5, 2009
NELSON CASTRO,	:	VIOLATIONS:
a/k/a “Francisco Rodriguez,”	:	21 U.S.C. § 846 (conspiracy to possess
a/k/a “Nelson Azala Velazquez,”	:	with intent to distribute 1 kilogram or
a/k/a “Cojo,” and	:	more of heroin, 50 grams or more of
NICOLE ALICEA,	:	cocaine base (“crack”), and 500 grams or
a/k/a “Chupi”	:	more of cocaine - 1 count)
	:	21 U.S.C. § 841(a)(1), (b)(1)(A)
	:	(possession with intent to distribute 1
	:	kilogram or more of heroin - 1 count)
	:	21 U.S.C. § 841(a)(1), (b)(1)(A)
	:	(possession with intent to distribute 50
	:	grams or more of cocaine base (“crack”) -
	:	1 count)
	:	21 U.S.C. § 841(a)(1), (b)(1)(B)
	:	(distribution and possession with intent to
	:	distribute 500 grams or more of cocaine -
	:	1 counts)
	:	21 U.S.C. § 841(a)(1), (b)(1)(C)
	:	(distribution and possession with intent to
	:	distribute cocaine base (“crack”)- 2
	:	counts)
	:	21 U.S.C. § 843(b) (use of a
	:	communication facility to facilitate a drug
	:	trafficking crime- 1 count)
	:	18 U.S.C. § 924(c) (possession of a firearm
	:	in furtherance of a drug trafficking crime
	:	- 1 count)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From at least in or about August, 2008, to on or about December 9, 2008,

in Philadelphia, in the Eastern District of Pennsylvania, defendants

**NELSON CASTRO,
a/k/a “Cojo,” and
NICOLE ALICEA,
a/k/a “Chupi,”**

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally possess with intent to distribute:

(a) 1 kilogram or more, that is, approximately 1.3 kilograms, of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A);

(b) 50 grams or more, that is, approximately 236 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A); and

(c) 500 grams or more, that is, approximately 1.7 kilograms, of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

MANNER AND MEANS

It was part of the conspiracy that:

2. Defendants **NELSON CASTRO** and **NICOLE ALICEA**, and others known and unknown to the grand jury, arranged to sell quantities of controlled substances to purchasers.

3. Defendants **NELSON CASTRO** and **NICOLE ALICEA**, and others known and unknown to the grand jury, used at least two houses, located at 2007 Knorr Street and

2216 Glenview Street, both in Philadelphia, as “stash houses” for the purpose of storing large quantities of heroin, cocaine base (“crack”), and cocaine for packaging and sale to customers, and for the purpose of storing the cash proceeds of their narcotics sales.

4. Defendants **NELSON CASTRO** and **NICOLE ALICEA**, and others known and unknown to the grand jury, used a green Honda Accord, bearing Pennsylvania Registration GZX-3368, to store quantities of heroin and cocaine base (“crack”) for sale to purchasers, and would make sales to purchasers from inside that car.

5. Defendants **NELSON CASTRO** and **NICOLE ALICEA**, and others known and unknown to the grand jury, kept a firearm in at least one of the stash houses, located at 2007 Knorr Street, to protect the narcotics that they intended to sell and the cash proceeds of their narcotics sales.

OVERT ACTS

In furtherance of the conspiracy, and to accomplish its objects, defendants **NELSON CASTRO** and **NICOLE ALICEA**, and others known and unknown to the grand jury, committed the following overt acts, among others, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere:

On or about August 25, 2008:

1. Defendant **NELSON CASTRO** arranged a sale of heroin to an undercover law enforcement officer.

2. At the direction of defendant **NELSON CASTRO**, defendant **NICOLE ALICEA** sold approximately 350 packets containing heroin, weighing approximately 18 grams, to an undercover law enforcement officer, for which she was paid approximately \$2250 in cash.

On or about September 3, 2008:

3. Defendants **NELSON CASTRO** and **NICOLE ALICEA** used a telephone to arrange a sale of heroin to an undercover law enforcement officer.

4. Defendant **NELSON CASTRO** sold approximately 293 packets containing heroin, weighing approximately 15 grams, to an undercover law enforcement officer, for which he was paid \$1800 in cash.

On or about December 9, 2008:

5. Defendants **NELSON CASTRO** and **NICOLE ALICEA**, together with others, stored inside 2007 Knorr Street approximately 996 grams of heroin, more than 46 grams of cocaine base (“crack”), approximately 790 grams of cocaine, a loaded Ruger 9 mm caliber handgun, and approximately \$24,000 in U.S. currency.

6. Defendants **NELSON CASTRO** and **NICOLE ALICEA**, together with others, stored inside 2216 Glenview Street approximately 323 grams of heroin and approximately 58 grams of cocaine.

7. Defendants **NELSON CASTRO** and **NICOLE ALICEA**, together with others, stored cocaine base inside a green Honda Accord bearing Pennsylvania Registration GZX-3368.

8. Defendants **NELSON CASTRO** and **NICOLE ALICEA**, together with others, stored inside a Blue Ford Explorer bearing Pennsylvania Registration GSW-1154 approximately 902 grams of cocaine.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 25, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**NELSON CASTRO,
a/k/a “Cojo,” and
NICOLE ALICEA,
a/k/a “Chupi,”**

knowingly and intentionally distributed, and aided and abetted the distribution of, approximately 18 grams of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 3, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**NELSON CASTRO,
a/k/a “Cojo,” and
NICOLE ALICEA,
a/k/a “Chupi,”**

knowingly and intentionally distributed, and aided and abetted the distribution of, approximately 15 grams of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 3, 2008, at approximately 2:00 p.m., in the Eastern District of Pennsylvania, defendants

**NELSON CASTRO,
a/k/a “Cojo,” and
NICOLE ALICEA,
a/k/a “Chupi,”**

knowingly and intentionally used a communication facility, that is, a telephone, in facilitating the conspiracy to possess with the intent to distribute heroin, as described in Count One of this indictment, in violation of Title 21, United States Code, Section 846, in that defendants **RODRIGUEZ** and **ALICEA** used the telephone to arrange a meeting regarding the sale of heroin to an undercover law enforcement officer.

In violation of Title 21, United States Code, Section 843(b).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 9, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**NELSON CASTRO,
a/k/a “Cojo,” and
NICOLE ALICEA,
a/k/a “Chupi,”**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, 500 grams or more, that is, approximately 1.7 kilograms, of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 9, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**NELSON CASTRO,
a/k/a “Cojo,” and
NICOLE ALICEA,
a/k/a “Chupi,”**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, 1 kilogram or more, that is, approximately 1.26 kilograms, of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A), and Title 18, United States Code, Section 2.

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 9, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**NELSON CASTRO,
a/k/a “Cojo,” and
NICOLE ALICEA,
a/k/a “Chupi,”**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, 50 grams or more, that is, approximately 236 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A), and Title 18, United States Code, Section 2.

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 9, 2008, in the Eastern District of Pennsylvania,
defendants

**NELSON CASTRO,
a/k/a “Cojo,” and
NICOLE ALICEA,
a/k/a “Chupi,”**

knowingly possessed, and aided and abetted the possession of, a firearm, that is, a Ruger 9 millimeter pistol, Model P-89, serial number 315-43190, loaded with 15 live rounds of ammunition, in furtherance of a drug trafficking crime for which they may be prosecuted in a court of the United States, that is, conspiracy to distribute and to possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 846, and possession with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Sections 924(c)(1) and 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 841(a), 843(b), and 846, set forth in this indictment, defendants

**NELSON CASTRO,
a/k/a “Cojo,” and
NICOLE ALICEA,
a/k/a “Chupi,”**

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including the approximately \$24,000 in cash defendants **CASTRO** and **ALICEA** stored in 2007 Knorr Street on or about December 9, 2008, the green Honda Accord bearing Pennsylvania Registration GZX-3368, and the Blue Ford Explorer bearing Pennsylvania Registration GSW-1154; and

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses, including the \$1800 and \$2250 in cash defendants **CASTRO** and **ALICEA** received from an undercover law enforcement officer following their sale of heroin to the undercover officer.

(2) If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided

without difficulty; it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

3. As a result of the violation of Title 18, United States Code, Section 924(c), set forth in this indictment, defendants

**NELSON CASTRO,
a/k/a “Cojo,” and
NICOLE ALICEA,
a/k/a “Chupi,”**

shall forfeit to the United States of America the firearm and ammunition involved in the commission of such offense, including, but not limited to:

- a. a Ruger 9 millimeter pistol, Model P-89, serial number 315-43190, loaded with 15 live rounds of ammunition.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:

FOREPERSON

LAURIE MAGID
Acting United States Attorney